

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. **09-21302**

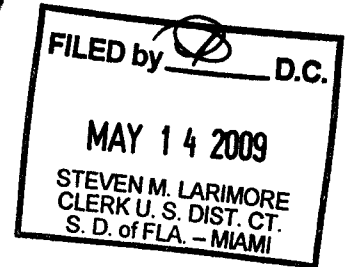
MORRIS J. MAYS,

Plaintiff(s),

v.

CIV-HOEVELER

**MAGISTRATE JUDGE
GARBER**



WILLIAM X. CANDELA, JULIE EDWARDS, CHRISTINE M. KING,
CHARLES BROWN, MIAMI-DADE COUNTY, MARSHA LAWRENCE, and U. S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendant(s)

_____ /

COMPLAINT

I, Morris J. Mays plaintiff, in the above styled cause, sues defendant(s); William X. Candela, Julie Edwards, Christine M. King, Charles Brown, Miami-Dade County, Marsha Lawrence, and U. S. Department of Health and Human Services, in this action filed under 5 U.S.C. § 552 Freedom of Information Act, Florida Statue Chapter 119, Miami-Dade County Home Rule Charter, and Unfair Debt Collection Act because Plaintiff has been injured and will continue to be injured by Defendants' failure to comply with the public records laws.

JURISDICTION AND VENUE

1. Jurisdiction is proper in this Court under 28 U.S.C. 1331, 1343(3), and 1367(a).

2. Venue is proper in the Southern District of Florida under 28 U.S.C. 1391(b) because the controversy arose in Miami, Florida, which is located in the Southern District of Florida.

PARTIES

3. Plaintiff, Morris J. Mays is a citizen of the United States of America who resides in the City of Miami, Florida.

- A. Plaintiff is being injured by Defendants' method of operation which repeatedly deprives citizens and taxpayers of their constitutional right of access to public information.
- B. Defendants have cited under oath, that some of the public information in their Agency is "internal CAA information" or "sensitive County information", where if shared with the public will result in immediate termination.
- C. In contradiction to Federal Law, Defendants while classing 'public records' in this "internal CAA information" or "sensitive County informaton" category, is attempting to use this position to extort money from Plaintiff.
- D. Plaintiff has repeatedly requested these 'public records' from Defendant(s) without success.

4. Defendant, William X. Candela, is an employee of Miami-Dade County who works in the County Attorney's Offices; primary Custodian of Records for the requested records per the County Manager.

- A. Defendant Candela, a member of the Florida Bar, knew, or, should have known delivery of public records for viewing and copying in a timely manner is guaranteed under Florida Law when Defendant Candela waited better than fifteen days to respond to a public records request.

- B. In responding, Defendant Candela, a member of the Florida Bar, knew, or, should have known he would be further violating Florida Law by passing that public records request on to an un-suspecting participant.
- C. Per Mr. Charles Brown, Mr. Candela has written a memo directing Defendant Charles Brown and other Miami-Dade County staff member to deviate from the law.
- D. The memo is the subject of another 'public records' request which may become evidence of possible RICO violations.
- E. Mr. Candela is using public records to extort money from a member of the public in violation of 5 U.S.C. § 552 Freedom of Information Act, Florida Statue Chapter 119, and Miami-Dade County Home Rule Charter.

5. Defendant, Julie Edwards, is an employee of Miami-Dade County who works as the Executive Director of the Community Action Agency.

- A. Defendant Edwards has categorized the requested 'public records' as "internal CAA information" or "sensitive County informaton", and has threatened and followed through with threats on staff with termination if the records are shared with the public.
- B. Defendant Edwards is using public records to extort money from a member of the public in violation of 5 U.S.C. § 552 Freedom of Information Act, Florida Statue Chapter 119, and Miami-Dade County Home Rule Charter.

6. Defendant, Christine M. King, recently passed the Florida Bar and works as Mrs. Julie Edwards assistant within the Miami-Dade County Community Action Agency.

- A. Mr. Candela and Mrs. Edwards have designated Attorney King, whom has recently been accepted to the Florida Bar, as a 'custodian of records' in a letter dated April 14, 2009 to further prevent the public from easy access to public records.

- B. Defendant King called Plaintiff around the first of May 2009 with regard to the public records request, stating she was planning to attend her grandmother's funeral in England for two weeks.
- C. Plaintiff asked Defendant King to make sure the 'public records request' was satisfied before she left on her trip.
- D. Defendant King agreed the 'public records request' would be taken care of before she left.
- E. Defendant King called Plaintiff around May 5th or 6th, 2009, leaving a voice mail message about a meeting she had set to allow viewing of the requested records, requiring Plaintiff to contact Defendant Edwards' secretary 'John Hatcher' to confirm.
- F. Plaintiff receiving and listening to the recording around 6:30 a.m. on May 7, 2009, immediately called and left several messages on the desk phone of Defendant Edwards' secretary to confirm Defendant King' voice mail message.
- G. Defendant Edwards' secretary has yet to respond to any of Plaintiff's phone call messages.
- H. Attorney King, as a 'custodian of records', is using her position to aid Defendant Candela and Defendant Edwards with using public records to extort money from a member of the public in violation of 5 U.S.C. § 552 Freedom of Information Act, Florida Statue Chapter 119, and Miami-Dade County Home Rule Charter.

7. Defendant, Charles Brown, is an employee of Miami-Dade County who works as the Director of Personnel for the Miami-Dade Community Action Agency.

- A. Defendant Brown met with Plaintiff on the morning of May 7, 2009, introducing himself as the 'custodian of records' for the public records requests Plaintiff had submitted.

- B. Defendant Brown stated he knew nothing of the public records requests before Plaintiff arrived in the lobby at 701 NW 1st Court, Miami, Florida along with City of Miami Police Officer Garcia, and Mr. Felix Simpkins (have a request to view and copy the same public records).
- C. Defendant Brown as a 'custodian of records', is using his position to aid Defendant Candela, Defendant Edwards, and Defendant King with using public records to extort money from a member of the public in violation of 5 U.S.C. § 552 Freedom of Information Act, Florida Statue Chapter 119, and Miami-Dade County Home Rule Charter.

8. Defendant, Miami-Dade County, is a municipal corporation organized under the laws of the State of Florida.

- A. Defendant Maimi-Dade County is an official Custodian of Records for the requested records.
- B. Defendant Miami-Dade County is providing the means for Defendant Candela, Defendant Edwards, and Defendant King using public records to extort money from a member of the public in violation of 5 U.S.C. § 552 Freedom of Information Act, Florida Statue Chapter 119, and Miami-Dade County Home Rule Charter.

9. Defendant, Marsha Lawrence, is an employee of Federal Department of Health and Human Services who works as the Regional Head Start Director out of Atlanta, Georgia.

- A. Defendant Lawrence has the original files of some requested records and is the Federal level custodian of records.
- B. Plaintiff made a formal public records request to Defendant Lawrence.
- C. Defendant Lawrence by failing to favorably respond to the public records request is assisting Defendants William X. Candela, Julie Edwards, Christine M. King, Charles Brown, and, Miami-Dade County with using public records to extort money from a member of the public in violation

of 5 U.S.C. § 552 Freedom of Information Act, Florida Statue Chapter 119, and Miami-Dade County Home Rule Charter.

10. Defendant, Federal Department of Health and Human Services, is a Federal Agency organized under the laws of the United States of America, and Custodian of Records for some of the requested records.

A. Defendant Federal Department of Health and Human Services is assisting Defendants William X. Candela, Julie Edwards, Christine M. King, Charles Brown, and, Miami-Dade County with using public records to extort money from a member of the public in violation of 5 U.S.C. § 552 Freedom of Information Act, Florida Statue Chapter 119, and Miami-Dade County Home Rule Charter.

STATEMENT OF FACTS

11. Plaintiff on March 30, 2007, made a formal public records request via certified mail to Defendant William X. Candela, Assistant Miami-Dade County Attorney as the County Manager' public records custodian designee, for the following records (A copy of the request was sent to Defendant Lawrence):

(A). All Community Action Agency e-mail sever records from August 1, 2006, to March 30, 2009.

(B). Any and all Community Action Agency Head Start Federal Review findings from January 01, 2006 to March 26, 2009.

(C). Any and all documents submitted to Atlanta Regional Head Start Office with funding Packages with the Policy Council President signature on it from January 02, 2006 thru April 29, 2009.

(D). All of the 1,200 plus documents, (10) ten yearly calendars, and all audio tapes, confiscated from the office of ex-employee Morris Mays about June 20, 2007 by the GSA Security Office per Julie Edwards and William Atkins directives.

(E). All tape and/digital copies of 'e-mail server files' of Morris Mays (mmays@miamidade.gov) county e-mails from January 2005 through August 29, 2007.

12. Fifteen days (15) later Plaintiff received a letter dated April 14, 2009 from Defendant Candela directing Plaintiff to contact subordinate records custodian, Christine Forde-

King at phone number (786) 469-4606, "who will be responsible for handling your request and who will be your point of contact regarding this request".

13. On April 17, 2009, Plaintiff mailed a second notice to Defendant Candela, requesting the public records within 10 business days.

A. A copy of the second request was sent to Defendant King, and Defendant Lawrence.

14. Understanding the requested public records should have been presented in accordance with Florida Law, on April 24, 2009 in a letter to Commissioner Barbara Jordan and the Board of County Commission, Plaintiff filed a public hearing request.

15. Plaintiff received a letter post marked April 28, 2009, from Defendant King.

A. The date on the letter was 04/22/09.

B. This letter reads: "I am in receipt of you Public Records Request forwarded to me by the County Attorney's Office on April 16, 2009.

Upon review of your request, please be advised that a fee of xxx is required prior to the department duplicating the records as per Administrative Order 4-48: Fees Charged to the Public for Examining and Duplicating Records. As such, your request is suspended until receipt of the fee. Please remit a check or money order payable to the Board of County Commissioners. If you have any questions regarding this matter you may contact me at (786) 469-4606."

C. The letter was cobon copied to Bill Candela, Assistant County Attorney, and, Julie Edwards, CAA Executive Director.

16. On April 30, 2009, Plaintiff forwarded a postal money order for the full amount of Roman numeral xxx (\$30) to the Board of County Commissioners as payment in full for the requested public records.

17. In the evening of April 30, 2009, Plaintiff received a telephone call from Defendant King mentioning an error she had made in stating the applicable fee in her letter.

A. Plaintiff explained the stated fee had already been mailed as directed in her letter; whereby Defendant King stated "I figured you had".

B. Plaintiff asked how she found it possible to state a fee for public records not copied or duplicated or even available for viewing.

C. Defendant King stated she would be leaving the country for her grandmother's funeral in England on Monday, but would make the records available for Plaintiff and Mr. Felix Simpkins to view and copy before she left, and a new fee would be determined when we finished.

D. Plaintiff reminded Defendant King to make sure all correspondence were in writing and in accords with applicable laws as a month had already passed since the initial public records request.

18. On or about May 6, 2007, Mr. Felix Simpkins advised Plaintiff that he had received a telephone call from Defendant King and he would be attending a public records review meeting at 10 a.m. on May 7, 2009, regarding the records he and Plaintiff had individually requested.

19. On or about 6:30 a.m., May 7, 2009, Plaintiff received a voice message from 'Custodian of Records' Christine M. King, which set a time for Plaintiff to review the requested records; however, Plaintiff was directed to confirm a time with Defendant Julie Edwards' secretary, John Hatcher.

A. After leaving several messages on Mr. John Hatcher's voice mail, Plaintiff decided to attend the public records viewing meeting along with Mr. Felix Simpkins at 10 a.m. the same morning.

B. Plaintiff never heard back from Defendant Edwards' secretary.

20. On May 7, 2009, Mr. Felix Simpkins made a telephone call to Defendant Edwards secretary confirming their scheduled meeting, and, advising that Plaintiff would be attending the meeting to view the public records at the same time since he and Plaintiff's request was for the same public records, so to avoid the records requiring separate viewing and/or copying.

21. On May 7, 2009, Defendant Charles Brown greeted City of Miami Police Officers Garcia, Mr. Felix Simpkins and Plaintiff in the lobby of the 701 building where the public records request was to be satisfied.

22. Defendant Brown stated "they tied my hands with regard to how much I can and will give".

A. At which time Plaintiff provided Mr. Brown with copied information from the 'Home Rule Charter' and Florida State Chapter 119 regarding 'public records'.

23. Defendant Brown explained CAA did not provide him any written procedures with regard to handling of 'public records' request.

A. Additionally, Mr. Brown stated Attorney William X. Candela wrote directions stating not to allow both Mr. Felix Simpkins and Morris Mays to view any records at the same time.

24. Plaintiff explained no one had returned his calls to confirm a time for viewing and copying of the records; therefore desiring to have the records viewed and copied only once would save everybody time.

25. Plaintiff explained to Defendant Brown that Defendant Candela's acts are an attempt to extort money and obstruct in violation of Florida Law.

26. Plaintiff presented a 4 gigabyte U.S.B. storage drive to Mr. Brown and explained that he would simply copy a digital image of the emails selected from the email server files so to print later at Plaintiff's own expense.

27. Defendant Brown explained we were not allowed to copy, print, or duplicate any of the public information.

28. Defendant Brown stated there were no 'email server files', nor any computer or server available for me to copy anything.

29. Plaintiff saw Mr. Humberto Amador in passing in the lobby and requested he clear up the email server and computer location for Defendant Brown.

30. Mr. Humberto Amador and Plaintiff both worked in the past in the CAA Resource Management Division, prior to Defendant Brown being hired at CAA, where Mr. Amador previously supervised the CAA Information Technology Unit.

31. Mr. Humberto Amador explained to us that all email server records was retained and managed by his now supervisor, Delia Iglesias, who's office, is also in the 701 building.

32. Defendant Brown never bothered to contact Delia Iglesias or provide us access to those public records.

33. Defendant Julie Edwards, whom had been in the 701 building since before Plaintiff's arrival, then walked past the detained trio on her way out of the 701 building, getting into a County van which had only recently pulled up next to City of Miami Police Officer Garcia's vehicle and road off without acknowledging our presence.

34. Defendant Edwards could have easily cleared the public records delay at that time.

35. Defendant Brown stated because we did not pay their fee prior to coming to the meeting, we were not to copy, print, or duplicate any of the public records he would show us.

35. Plaintiff then presented Defendant Brown with a copy showing the required 'fees' paid via postal money order sent to the Board Of County Commissioners per Ms. Christine M. Kings letter of April 28, 2009.

36. Defendant Brown then stated he had not been made aware of any payment made by either of us.

37. Plaintiff again requested that Defendant Brown permit viewing and copying of the records.

38. Defendant Brown again declined.

40. Defendant Brown, never bothered to advise or contact the Board of County Commissioners to verify payment had been received.

41. Defendant Brown explained no computer or email server computer, records, or other method for viewing same was available for our use, as he knew nothing of our public information request until being told we were in the lobby waiting.

42. Plaintiff and Mr. Felix Simpkins decided he and Officer Garcia should go with Defendant Brown to see what records were available for viewing.

43. Mr. Felix Simpkins and Defendant Brown returned about thirty minutes later where both explained the requested records were not there.

44. Defendant Brown explained he would not be getting any more records for me to view later.

45. Plaintiff and Defendant Brown agreed in front of both Officer Garcia and Mr. Felix Simpkins there would be no need for Plaintiff to return that day to only see the same items which are clearly not those requested.

46. Mr. Felix Simpkins explained Defendant Brown had review the information we provided while he was looking at the offered files, and Defendant Brown' demeanor was more favorable afterwards.

47. Defendant Brown did not make any further attempts to provide the requested records after realizing the records he provided were not the ones we requested.

48. Defendants have failed to satisfy Plaintiff' public records request as of May 7, 2009.

49. Defendants have failed to provide all Community Action Agency e-mail sever records from August 1, 2006, to March 30, 2009, notwithstanding formal requests made in compliance with law, as required by the U.S. Constitution and Florida law.

50. Defendants have failed to provide any and all Community Action Agency Head Start Federal Review findings from January 01, 2006 to March 26, 2009, notwithstanding formal requests made in compliance with law, as required by the U.S. Constitution and Florida law.

51. Defendants have failed to provide any and all documents submitted to Atlanta Regional Head Start Office with funding Packages with the Policy Council President signature on it from January 02, 2006 thru April 29, 2009, notwithstanding formal requests made in compliance with law, as required by the U.S. Constitution and Florida law.

52. Defendants have failed to provide all of the 1,200 plus documents, (10) ten yearly calendars, and all audio tapes, confiscated from the office of ex-employee Morris Mays about June 20, 2007 by the GSA Security Office per Julie Edwards and William Atkins directives, notwithstanding formal requests made in compliance with law, as required by the U.S. Constitution and Florida law.

53. Defendants have failed to provide all tape and/digital copies of 'e-mail server files' of Morris Mays (mmays@miamidade.gov) county e-mails from January 2005 through August 29, 2007, notwithstanding formal requests made in compliance with law, as required by the U.S. Constitution and Florida law.

54. Plaintiff has shown patience in allowing Defendants to honor its public records request.

55. Plaintiff has requested the public records more than once, allowing time for any internal confusion to be resolved without success.

56. Plaintiff has expended time and money making preparation and attending a bogus meeting set by Defendant to access the public records.

57. Plaintiff has made several requests to the Board of County Commissioners for a public hearing to address his public records request without success.

58. Plaintiff has noticed Defendant Marsha Lawrence on each public records request made to her grantee agency Miami-Dade County Community Action Agency.

59. Plaintiff has made a public records request to Defendant Marsha Lawrence, Regional Head Start Director for the U. S. Department of Health and Human Services for the public records they have original copies of as provided to them, and, as required from Federal Grantees such as Defendant Miami-Dade County, without success at receiving even a reply.

60. Plaintiff has paid fees and exhausted all reasonable avenues to obtain the public records as requested.

Count 1

(VIOLATION OF FEDERAL LAW)

61. Paragraphs 1 through 60 are incorporated by reference.

62. Defendant Miami-Dade County and its taxpayers are directly and/or indirectly subsidize by Federal Grants and assistance which support the Miami-Dade County Community Action Agency facility's operations.

63. The Federal Grants support and subsidization of Miami-Dade County under the circumstances described above violate 5 U.S.C. § 552 Freedom of Information Act as established under the United States Constitution.

64. Miami-Dade County's application of the Freedom of Information Act to Plaintiff constitutes state action and is accomplished under color of state law, thereby violating the Freedom of Information Act as established under the United States Constitution.

WHEREFORE, Plaintiffs demand judgment against the Defendants and request the following relief:

65. A permanent injunction barring the Defendants from continuing to operate the in a manner that violates the Freedom of Information Act;

66. An award of reasonable costs as prescribed by the Freedom of Information Act.

67. Any and all additional relief the Court deems just and appropriate.

Count 2

(VIOLATION OF STATE LAW)

68. Paragraphs 1 through 60 are incorporated by reference.

69. Under Ch. 119 and Ch. 286, Florida Statutes, and Article I, Section 24 of the Florida Constitution, public agencies are obligated to make their records available to the public and to conduct their business in meetings open to the public.

70. The Defendant Miami-Dade County is a public agency within the meaning of the Florida Public Records and Open Meetings Laws. See Florida Statute Chapter 119.011 (2), 286.011(1), Fla. Stat. (1999).

71. Defendants have been, and is now, in contravention of the Florida Public Records Act, Chapter 119, Florida Statutes, and is engaging in policies and practices of unlawfully denying or obstructing Plaintiffs and other members of the public from gaining access to public records.

72. The improper policies and practices of Miami-Dade County with its' agents Defendant Candela, Defendant Edwards, Defendant King, and Defendant Brown, undertaken in violation of the Public Records Act, are of a continuing and intentional nature, and are apt to be repeated if not immediately enjoined.

73. Unless enjoined, the improper policies and practices of Miami-Dade County will cause Plaintiffs irreparable harm by denying them access to public records.

74. For this irreparable harm, Plaintiffs have no adequate remedy at law.

75. Plaintiffs is not working and cannot afford legal counsel and request to proceed without prepayment of fees and affidavit and have Defendants pay the required cost involved related to this actions per Florida Statue Chapter 119.

76. Defendants have unlawfully refused to disclose public documents; whereas the imperative of article I, section 24(a), of the Florida Constitution, provides as follows: Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution.

77. Demand is hereby made for Defendants to make the requested public records available within forty-eight hours pursuant to section 119.11(2), Florida Statutes (2007).

78. Defendants' failure to disclose the public records within a reasonable period from the date of the initial request constitute an unlawful and unexcused delay as defined by the Florida Public Records Law.

79. The statutory purpose is to encourage voluntary compliance with Florida's public records law, which gives effect to the state's policy "that all state, county, and municipal records shall be open for personal inspection by any person." § 119.01(1); Office of the State Attorney For The 13th Judicial Circuit of Florida v Wesley Gonzalez, (Fla 2d DCA 2007), also see N.Y. Times Co. v. PHH Mental Health Servs., Inc., 616 So. 2d 27, 29 (Fla. 1993) ("If public agencies are required to pay attorney's fees and costs to parties who are wrongfully denied access to the records of such agencies, then the agencies are less likely to deny proper requests for documents.").

80. In a somewhat similar vein, in Wisner v. City of Tampa Police Department, 601 So.2d 296, 298 (Fla. 2d DCA 1992), the court held that an award of attorney's fees - 8 - under section 119.12 was appropriate when the agency failed to provide some of the records sought under the public records act, including a polygraph chart.

81. In *Barfield v. Town of Eatonville*, 675 So. 2d 223, 224 (Fla. 5th DCA 1996), the Fifth District observed that the "evidence clearly establishes that it was only after the appellant filed a lawsuit that the documents he had previously sought by written request to the Town were finally turned over to him."

82. Although the evidence was not described in the opinion, the court specifically held that an "unjustified delay in complying with a public records request amounts to an unlawful refusal" and cited *Brunson v. Dade County School Board*, 525 So.2d 933 (Fla. 3d DCA 1988).

WHEREFORE, Plaintiffs request that the Court take supplemental jurisdiction of the parties and the subject matter under 28 U.S.C. Chapter 1367(a) and enter an order granting the following relief:

A. Issue a declaratory judgment that any records in the custody and control of Defendants related to the public records requests described above are subject to the disclosure requirements of Chapter 119.07, Fla. Stat.; and

B. Issue a permanent mandatory injunction against Defendants, enjoining them from denying access to public records and ordering them to produce such records as Plaintiffs have requested; and

D. Award Plaintiffs their court costs relief incurred in bringing this action, as provided in Chapter 119.12, Fla. Statue. Additionally, Plaintiff is a Pro Se' ligigant and is not entitled to attorney fees; therefore, Plaintiff request that any legal actions presently related in any way to the requested public records be herewith resolved by order in favor of Plaintiff, and, any other relief the Court see fit to provide.

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the forgoing was sent by U.S Certified Mail
See Below on this the 14th day of May 2009. To:

Williams X. Candela, Dade County Attorney's Office Metro Dade Center 111 N.W. 1st Street Suite 2810 Miami, Florida 33128, Julie Edwards, Executive Director, Miami-Dade

County Community Action Agency (CAA), 701 NW 1st Court, Suite 1000, Miami, Florida 33136, Christine M. King, C.A.A. Assistant to the Executive Director, 701 NW 1st Court, Suite 1000, Miami, Florida 33136, Charles Brown, C.A.A. Director of Personnel, 701 NW 1st Court, Suite 1000, Miami, Florida 33136, Marsha Lawrence, Federal Head Start Regional Director, Head Start Regional Office, 61 Forsyth Street, Suite 4, M-60, Atlanta, GA 30303-8909, Office of the Director of U. S. Department of Health and Human Services, 330 Independence Ave., SW, Cohen Building, Room 1067, Washington, D.C. 20201.



Morris J. Mays, Pro Se'

PO Box 510037

Miami, Florida 33151

(email address: morris@mayscareproducts.com)

305-725-9789

1. William X. Candela	7008 3230 0002 1249 1475
2. Julie Edwards	7008 3230 0002 1249 1482
3. Christine M. King	7008 3230 0002 1249 1499
4. Charles Brown	7008 3230 0002 1249 1451
5. Marsha Lawrence	7008 3230 0002 1249 1468
6. US Dept of HHS	7008 3230 0002 1249 1505

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

Morris J. MAYS

(b) County of Residence of First Listed Plaintiff *Miami-Dade*
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

P.O. Box 510037

Miami, Florida 33151

305-7251-9789

DEFENDANTS

*William X. Candela, Julie Edwards,
Christine M. King, Charles Brown, Miami-Dade County,
Marsha Lawrence, and US Dept. of Health & Human Services*
County of Residence of First Listed Defendant *Miami-Dade*
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose: ☒ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☒ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☒ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of Foreign Country ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed- (see VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

(See instructions second page):

a) Re-filed Case ☐ YES ☐ NOb) Related Cases ☒ YES ☐ NOJUDGE *Moore Jordan*

DOCKET NUMBER

08-20297 - CIV
09-20065 - CIV

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

Freedom of Information Act
5 U.S.C. 552

LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

COST

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

May 14, 2009

FOR OFFICE USE ONLY

AMOUNT

RECEIPT #

IFP